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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,665	07/31/2001	Clifford Sosin	2001611-0027	4670

7590

03/11/2003

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EXAMINER

AVERY, BRIDGET D

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 03/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	Applicati n No.	Applicant(s)	
	09/919,665	SOSIN ET AL.	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) 6, 13-18, 20 and 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 11, 12, 19, 21, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. The amendment filed by applicant on December 18, 2003 is acknowledged and has been entered.
2. The Information Disclosure Statement filed by applicant on April 12, 2002 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 4, 11, 19, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Pyzel et al. US Patent 3,852,896.

Pyzel et al. teaches a transferable binding apparatus including: a ship mechanism (14); a binding mechanism (16, 17) affixed to the ship mechanism (14); dock mechanisms (28) adapted to attach to a ski (11) and adapted to receive the ship mechanism (14); an attaching mechanism (29) adapted to attach the dock mechanism (28) to the ship mechanism (14); the binding mechanism (16, 17) includes a safety release binding independently controlling engagement and disengagement of a boot into and out of the transferable binding apparatus without adjustment of the ship

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mechanism (14) or the dock mechanism (28); the attaching mechanism (29) includes a releasable spring-loaded assembly (30, 65); the dock mechanism (28) is permanently attached to the ski at the time of manufacture; and the binding mechanism (16, 17) is selected from the group consisting of: an alpine ski binding mechanism, a telemark ski binding mechanism, and a cross-country ski binding mechanism. Regarding claims 25 and 26, applicant's attention is directed to column 4, lines 17-20.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 19, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Ipen DE 298 20 426) in view of Allsop (US Patent 3,743,308).

Ipen teaches a transferable binding apparatus including: a ship mechanism (5 upper member); a binding mechanism (2) affixed to the ship mechanism (5); dock mechanisms (5 lower member) adapted to attach to a ski (4) and adapted to receive the ship mechanism (5); an attaching mechanism (7) adapted to attach the dock mechanism (5) to the ship mechanism (5); the attaching mechanism (7) is selected from the group consisting of: screws (7) and wing-nuts. See Figure 3.

Ipen lacks the teaching of a safety release binding.

Allsop teaches a safety release binding (30).

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Based on the teachings of Allsop, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the ski binding of Ipen to be a safety release binding to prevent injury.

5. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Pyzel et al. '896).

Pyzel et al. teaches the features described above.

Pyzel et al. lacks the exact teaching of dock mechanism that is obtained separately and attached to the ski at the direction of the user and the teaching of a binding mechanism that is attached to the ship mechanism at the direction of the user.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a dock mechanism and a binding mechanism that is attached at the direction of a user, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. See *In re Dulberg*, 129 U.S.P.Q. 348.

6. Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Pyzel et al. '896).

Pyzel et al. teaches the features described above.

Pyzel et al. lacks the exact teaching of a dock mechanism adapted in a pocket configuration with at least one open side to receive a ship mechanism and the ship

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mechanism adapted to be inserted into the at least one open side of the pocket configuration.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a dock mechanism adapted in a pocket configuration with at least one open side to receive a ship mechanism and the ship mechanism adapted to be inserted into the at least one open side of the pocket configuration, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 U.S.P.Q. 167. The method for transferring a binding including the steps of affixing a binding mechanism (16, 17) to a ship mechanism (14); affixing a dock mechanism (28) to a ski (11); inserting the ship mechanism into the dock mechanism; and attaching the ship mechanism (14) to the dock mechanism (28); where the binding mechanism includes a safety-release binding independently controlling engagement and disengagement of a boot into and out of the transferable binding apparatus (16, 17) without adjustment of the ship mechanism of the dock mechanism would have also been obvious to one having ordinary skill in the art.

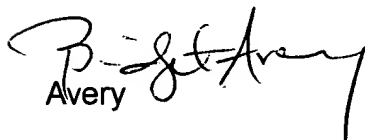
### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.

  
Avery

March 5, 2003

  
BRIAN L. JOHNSON  
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3/6/03